

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

OTIS D. WITHERSPOON,

Plaintiff,

v.

COMMONWEALTH OF,  
VIRGINIA, CITY OF  
FREDERICKSBURG, and  
LAVERN BRAVIA

Defendant.

Civil Action No.: 07-6038

**ORDER**

**LINARES**, District Judge.

This matter having come before the Court on Plaintiff's second submission of an application to proceed in forma pauperis, and his filing of an Amended Complaint with this Court on March 3, 2008, and it appearing that:

1. Plaintiff did not prepay the \$350.00 filing fee for a civil action as required by Local Civil Rule 54.3(a);
2. Plaintiff has filed a completed application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915, and that the information therein indicates that Plaintiff is entitled to proceed in forma pauperis;
3. Plaintiff has not had three previous actions dismissed as frivolous; and
4. This Court having reviewed Plaintiff's Amended Complaint under 28 U.S.C. § 1915 and found that it may be filed;

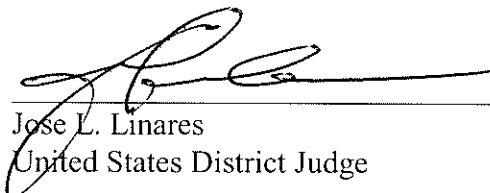
**IT IS THEREFORE** on this 30<sup>th</sup> day of June, 2008,

**ORDERED** that the Plaintiff may proceed in forma pauperis, and that Plaintiff's filing fee and security in this action are hereby waived; and it is further

**ORDERED** that the Clerk of the Court shall reopen this case and file the Complaint in this matter; and it is further

**ORDERED** that the Clerk of the Court shall mail a copy of this Order to Plaintiff within seven (7) days; and it is further

**ORDERED** that, pursuant to 28 U.S.C. § 1915(d), the Clerk shall issue the summonses and the United States Marshal shall serve summonses and copies of the Complaint and this Order upon Defendants, with all costs of service advanced by the United States.



Jose L. Linares  
United States District Judge